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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,076	06/01/2005	Roland Mair	SFS-PT064 (P0350US)	8238
3624	7590	02/15/2008	EXAMINER	
VOLPE AND KOENIG, P.C.			COZART, JERMIE E	
UNITED PLAZA, SUITE 1600				
30 SOUTH 17TH STREET			ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19103			3726	
			MAIL DATE	DELIVERY MODE
			02/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/537,076	MAIR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jermie Cozart	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-8 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) 6-8 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date <u>6/1/05</u> .	6) <input type="checkbox"/> Other: ____ .

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: On page 12, line 3, "24 26" are objected to due to grammatical error, therefore it is suggested to change "24 26" to - -24, 26- -. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Budde et al. (DE 196 30 488 A1).

Regarding claim 1, Budde discloses a device for placing a stamped rivet into sheet metal, comprising an upper socket (15), which accepts at least one stamp (16) in a shiftable manner, a fixed lower socket (19), which is spaced apart from the upper socket (15) and accepts during an installation process a shaft of the stamped rivet (3), and an elastically pre-stressed clamping bushing (20) surrounding the lower socket (19) and protruding therefrom in a direction of the stamp (16), which provides a support for the sheet metal (1, 2) to be connected with or by the stamped rivet (3).

Regarding claim 2, Budde appears to disclose the fixed lower socket (19) having a diameter that is equivalent to a diameter of a head of the stamped rivet.

Regarding claim 3, Budde appears to disclose that the fixed lower socket (19) has an outside diameter greater than a diameter of the head of the stamped rivet.

Regarding claim 5, Budde appears to disclose the interior diameter of the lower socket (19) being about the same size or slightly larger than the diameter of a cylindrical shaft section of the stamped rivet (3). See *Figs. 2 and 5 for further clarification.*

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Budde et al. (DE 196 30 488 A1).

Budde discloses all of the claimed subject matter except for the following: the outside diameter of the lower socket being greater than the diameter of the head of the stamped rivet by a difference between the diameter of the head and a greatest diameter of the shaft of the stamped rivet.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the outside diameter of the lower socket greater than the diameter of the head of the stamped rivet by a difference between the diameter of the head and a greatest diameter of the shaft of the stamped rivet because Applicant has not disclosed that the outside diameter of the lower socket being greater than the diameter of the head of the stamped rivet by a difference

between the diameter of the head and a greatest diameter of the shaft of the stamped rivet provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with that which is taught by Budde et al.

Therefore, it would have been an obvious matter of design choice to modify Budde et al. to obtain the invention as specified in claim 5.

***Allowable Subject Matter***

6. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jermie Cozart whose telephone number is 571-272-4528. The examiner can normally be reached on Monday-Thursday, 7:30 am - 6:00 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jermie Cozart/  
Primary Examiner, Art Unit 3726

February 6, 2008